

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

OCTOBER 19, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT

Florence Bos, President
Richard Carpenter, Member
William Elkins, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn
Report by Linda Brooks, Assistant Executive Officer

The Board was advised of the following:

- A. The Executive Officer is attending the International Personnel Management Association (IPMA) annual conference in Washington, D.C.
- B. The Agency budget proposal hearing is scheduled for November 2, 1999.
- C. Staff is in the process of exploring the issue of workforce planning.
- D. Staff distributed "A Guide to Emergency Evacuation Procedures for Employees with Disabilities." This was developed by the Statewide Disability Advisory Council and the State Personnel Board.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

- A. Loren McMaster, an attorney who frequently appears before the Board, has been appointed as a judge for the Sacramento Superior Court.
- B. The State Employee Mediation Program's Training for Volunteer Mediators, currently scheduled for November 1-5, 1999, is nearly filled to capacity.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. A meeting is set for December 6, 1999 with Agency to discuss the Board's legislative agenda.
- B. At the request of Board member Alvarado, I provided a synopsis of SB 400 (new benefit formulas) to the Board.
- C. A final summary of the 1999 legislative year will be provided at the next Board meeting.

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF OCTOBER 5-6, 1999

ACTION: Adoption postponed to the November 2, 1999 Board meeting.

6. ADMINISTRATIVE LAW JUDGE CASES

On October 19, 1999, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

REJECTED AND REMANDED DECISION

CRAIG BARNARD, CASE NO. 98-3589

Appeal from 10-percent reduction in salary for 12 months
Department of Corrections

ACTION: Reduction in salary modified to 5 percent for 12 months

CHIEF COUNSEL RESOLUTIONS

CANDACE LES, CASE NO 98-1691
Appeal from 10 calendar days suspension
Franchise Tax Board
ACTION: Settlement Agreement and Release Decision
Disapproved

EDWARD ADAMS, CASE NO 98-3122
Appeal from dismissal
Department of Transportation
ACTION: Appellant's Request to Show Cause Denied

PROPOSED DECISIONS

STEVE SAUCEDA, CASE NO. 99-1422
Appeal from 5 working days suspension
Employment Development Department
ACTION: Suspension modified to
2 Working Days Suspension

DIXIE LEE FOX, CASE NO. 99-1292
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Revoked

ROBERT Q. BOUGHTON, CASE NO. 98-5233
Appeal from determination of back salary, benefits and
interest after reinstatement
Department of Corrections
ACTION: Request Denied

ANNE EDWARDS, CASE NO. 99-1327
Appeal from dismissal
Department of General Services
ACTION: Board Adopted Findings of Fact, but Modified
Dismissal to Official Reprimand

EMILIO E. FLORES, CASE NO. 99-0443
Appeal from dismissal
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified
Dismissal to 9-Month Suspension

WILLIAM B. BLAKESLEE, CASE NO. 99-2487
Request to set aside stipulation for settlement
Department of Mental Health
ACTION: Request to Set Aside Stipulation Denied

YVONNE K. DICKSON, CASE NO. 99-1574
Appeal from 10-percent reduction in salary for 6 months
Department of Motor Vehicles
ACTION: Reduction in Salary Sustained

XAVIER VALDEZ, CASE NO. 97-4002
Appeal from 30 days suspension
Department of Corrections
ACTION: Suspension Sustained

VICKI C. GRIMM, CASE NO. 99-1598
Appeal from 2-step reduction in salary for 12 months
Department of Corrections
ACTION: Reduction in Salary Modified to Official Reprimand

FRANK L. GRAVES, CASE NO. 98-4720
Appeal from dismissal
Prison Industries Authority
Department of Corrections
ACTION: Dismissal Modified to 1-Year Suspension

DANIEL MONTANEZ, CASE NO. 99-0307
Appeal from dismissal
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified
Dismissal to 30 Calendar Days Suspension

TIMOTHY R. MCCARTHY, CASE NO. 99-0468
Appeal from dismissal
Department of the Youth Authority
ACTION: Dismissal Revoked

CHRISTOPHER RAMOS, CASE NO. 99-0458
Appeal from 5-percent reduction in salary for 6 months
Department of Corrections
ACTION: Reduction in Salary Sustained

CAROL LAVIS, CASE NO. 99-1619
Appeal from medical termination
Department of Motor Vehicles
ACTION: Medical Termination Revoked

TRACEY L. CROMWELL, CASE NO. 99-1579
Appeal from 1-step reduction in salary for 5 months
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified
Reduction in Salary to Official Reprimand

TIM P. HUBBARD, CASE NO. 99-0518
Appeal from constructive medical termination
Department of Corrections
ACTION: Appeal Granted

TIMOTHY D. MORGAN, CASE NO. 99-2033
Appeal from official reprimand
Department of the Youth Authority
ACTION: Official Reprimand Revoked

TIM GATES, CASE NO. 99-1395
Discrimination complaint and constructive medical
termination
Department of Food and Agriculture
ACTION: Discrimination Complaint without Prejudice and
Appeal from Constructive Medical Termination with Prejudice
Dismissed

GUY R. FOSS, CASE NO. 99-0831
Appeal from 15-calendar days suspension
Department of Corrections
ACTION: Suspension Sustained

DAVID GONZALES, CASE NO. 99-2594
Appeal from 5-percent reduction in salary for 6 months
Department of Corrections
ACTION: Reduction in Salary Revoked

KAREN JOHNSON, CASE NO. 99-1495
Appeal from dismissal
Department of Developmental Services
ACTION: Dismissal Sustained

RUSSELL L. WILLHITE, CASE NO. 99-0747
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Sustained

LEO WONG, CASE NO. 99-1627
Appeal from 5 working days suspension
Public Utilities Commission
ACTION: Suspension Sustained

MARTIN VEAL, CASE NO's. 98-4922 & 99-0457
Appeal from C.E.A. termination
Appeal from demotion
Department of Corrections
ACTION: C.E.A. Termination Affirmed and Demotion Modified
to 5-Percent Reduction in Salary for 6 Months

DANIEL J. HOEY, CASE NO. 99-0211
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Sustained

PETITIONS FOR REHEARING

LISA KOCH, CASE NO. 98-4756
Appeal from demotion
Board of Equalization
ACTION: Petition for rehearing filed by Appellant Denied

MALINDA F. HOWZE, CASE NO. 99-0510
Appeal from 80 working hours suspension
California State Polytechnic University
California State University
Petition for rehearing filed by Appellant Denied

ALEXANDER KAIVAN, CASE NO. 98-4548
Appeal from 5 working days suspension
Department of Corrections
Petition for rehearing filed by Appellant Denied

MICHAEL A. THOMPSON, CASE NO. 98-3739
Appeal from dismissal
Department of Corrections
Petition for rehearing filed by Respondent Granted

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION. (See pages 15-18)
8. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On October 19, 1999, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.
VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

DISCRIMINATION/RETALIATION

- A. RILEY CHAVIS, Case No. 98-4811
Classification: Associate Government Program Analyst
ACTION: DENIED

WITHHOLD CASES

- B. RAUL C. PEREZ, JR., Case No. 99-1644
Classification: Correctional Officer
ACTION: GRANTED
- C. MICHAEL BARTON, Case No. 99-1450
Classification: Correctional Officer
ACTION: DENIED
- D. BRENT BOOTH, Case No. 99-1114
Classification: Correctional Officer
ACTION: DENIED
- E. SHANE JUSTIN BRADLEY, Case No. 99-2185
Classification: Correctional Officer
ACTION: DENIED
- F. JEFFREY R. CONNOR, Case No. 99-2455
Classification: Correctional Officer
ACTION: DENIED
- G. DARREN C. CUNNINGHAM, Case No. 99-1287
Classification: Correctional Officer
ACTION: DENIED
- H. DIANE DARBY, Case No. 99-1081
Classification: Cook II Correctional Facility
ACTION: DENIED
- I. ROBERT DAVIS, Case No. 99-2183
Classification: Correctional Officer
ACTION: DENIED
- J. JOHN THOMAS DEVEREAUX, Case No. 99-2731
Classification: Correctional Officer
ACTION: DENIED
- K. MARVIN L. DILLARD, Case No. 99-1719
Classification: Correctional Officer
ACTION: DENIED
- L. MINH JOSEPH DO, Case No. 99-2829
Classification: Correctional Officer
ACTION: DENIED
- M. GREG H. DONALDSON, Case No. 99-1221
Classification: Correctional Officer
ACTION: DENIED

- N. CHARLES E. DORRIS, JR., Case No. 99-1082
Classification: Hospital Peace Officer I
ACTION: DENIED
- O. LAWRENCE E. GALES, Case No. 99-1508
Classification: Correctional Officer
ACTION: DENIED
- P. JUSTIN LEE GRAY, Case No. 99-1646
Classification: Correctional Officer
ACTION: DENIED
- Q. WESLEY A. HALL, Case No. 99-1290
Classification: Correctional Officer
ACTION: DENIED
- R. TARIQ D. JOHNSON, Case No. 99-1718
Classification: Cadet, CHP
ACTION: DENIED
- S. ARMANDO LOZANO, Case No. 99-1721
Classification: Correctional Officer
ACTION: DENIED
- T. MARTIN MICHAEL MCDERMOTT, Case No. 99-2450
Classification: Hospital Peace Officer I
ACTION: DENIED
- U. SHAWANDA MANN, Case No. 99-2831
Classification: Correctional Officer
ACTION: DENIED
- V. LEWIS MONOHAN, Case No. 99-2631
Classification: Correctional Officer
ACTION: DENIED
- W. BENJAMIN PUENTES, Case No. 99-1344
Classification: Correctional Officer
ACTION: DENIED
- X. FLORENCE RIPPETOE, Case No. 99-1297
Classification: Correctional Officer
ACTION: DENIED
- Y. MAX WADE ROSE, Case No. 99-1626
Classification: Correctional Officer
ACTION: DENIED
- Z. GARY L. SMITH, Case No. 99-3108

- Classification: Correctional Officer
ACTION: DENIED
- AA. PAUL LEE SMITH, Case No. 99-2618
Classification: Correctional Officer
ACTION: DENIED
- BB. SCOTT STOVAL, Case No. 99-2451
Classification: Hospital Peace Officer I
ACTION: DENIED
- CC. DWAYNE CHARLES WILSON, Case No. 99-2529
Classification: Motor Vehicle Field Representative
ACTION: DENIED
- DD. JOHN H. SANDIDGE, Case No. 99-1246
Classification: Medical Technical Assistant
(Correctional Facility)
ACTION: DENIED
- EE. MARICA C. WINN, Case No. 99-1642
Classification: Correctional Officer
ACTION: DENIED
- FF. ROBERT MUELLER, Case No. 99-1449
Classification: Correctional Officer
ACTION: DENIED

DISMISSAL CASES

- * REGINA ALLEN, Case No. 98-1320
Classification: Correctional Officer
ACTION: No grounds for accepting appeal.
- * RUPERT J. BUTLER, Case No. 99-2191
Classification: Commercial Vehicle Inspection
Specialist
ACTION: No timely response to SPB request for more
information.
- * FERNANDO H. CASTRO, Case No. 99-3033
Classification: Correctional Officer
ACTION: No timely response to SPB request for more
information.
- * RONALD PICKETT, Case No. 99-2951
Classification: Correctional Officer
ACTION: No timely response to SPB request for more
information.

9. MEDICAL APPEALS

On October 19, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. CONNIE CLOPTON, Case No. 99-1484
Classification: Correctional Officer
ACTION: GRANTED
- B. JOANNE FLETCHER, Case No. 99-1999
Classification: Psychiatric Social Worker
ACTION: GRANTED
- C. GREGORY TOLMUS, Case No. 99-1998
Classification: Caltrans Electrician II
ACTION: GRANTED
- D. IKBAL KAOUD, Case No. 98-5221
Classification: Food Service Worker II
ACTION: DENIED

DISMISSAL CASE

- * SHAWN PEREZ, Case No. 99-3652
Classification: Other
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing.

10. EXAMINATION APPEALS

On October 19, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

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|----|--------------------|----------------------------------|
| A. | DANIEL BRENNER | Case No. 98-3926 |
| | Final Filing Date: | NO BULLETIN IN FOLDER |
| | Examination: | NO BULLETIN IN FOLDER |
| | Class: | Staff Services Analyst (General) |
| | Testing Agency: | State Personnel Board |
| | Appeal Received: | September 28, 1998 |
| | ACTION: | DENIED |
| B. | DORNE F. BYDLOWSKI | Case No. 99-0624 |
| | Filing Date: | October 2, 1998 |
| | Examination: | PAI Scannable Examination |
| | Class: | Parole Agent I, Adult Parole |
| | Testing Agency: | Department of Corrections |

Appeal Received: February 23, 1999
ACTION: GRANTED

11. MERIT ISSUE COMPLAINT APPEALS

On October 19, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. EDGAR BRAHAM, Case No. 98-5097
Classification: Correctional Counselor I
ACTION: DENIED

12. REQUEST TO FILE CHARGES CASES

On October 19, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. PETITIONER: Ray Feldman, Case No. 98-3958, a former employee of the California Department of Corrections.
ACTION: DENIED

13. NON-HEARING CALENDAR

On October 19, 1999, the Board adopted item "A." This item was presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. ASSOCIATE WILDLIFE PATHOLOGIST
STAFF WILDLIFE PATHOLOGIST
WILDLIFE FORENSIC SPECIALIST
SENIOR WILDLIFE FORENSIC SPECIALIST
The Department of Fish and Game is proposing to revise and re-title the Associate Wildlife Pathologist and Staff Wildlife Pathologist classifications to Wildlife Forensic Specialist and Senior Wildlife Forensic Specialist, respectively, and consolidate them into a series specification; expand the Wildlife Forensic Specialist into a deep class and extend the probationary period to 12 months; and adopt Alternate Range Criteria 416.

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR
DENIED BY SPB MANAGEMENT

- (1) CHIEF INFORMATION OFFICER
The California Student Aid Commission's proposed
CEA position has been approved.
- (2) DEPUTY DIRECTOR, SPECIAL WASTE DIVISION
The California Integrated Waste Management Board's
proposed CEA position has been approved.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. RALPH REY, CASE NO. 98-2752. Appeal from dismissal.
Department of Mental Health. (Oral argument held August 3, 1999.)

NO ACTION

2. MICHAEL JACKSON, CASE NO. 98-1818. Appeal from dismissal.
Department of Youth Authority. (Oral argument held August 3, 1999.)

NO ACTION

3. MICHAEL CARL, CASE NO. 98-4549. Appeal from 4 days suspension. Department of Corrections. (Oral argument held August 3, 1999.)

NO ACTION

4. JOHN W. CONES, CASE NO. 98-3003. Appeal from dismissal.
Department of Corrections. (Oral argument held September 8, 1999.)

NO ACTION

5. PAMELA A. KING, CASE NO. 98-1586. Appeal from dismissal.
Department of the Youth Authority. (Oral argument held September 8, 1999.)

NO ACTION

6. TERRY KNOX, CASE NO. 98-2862. Appeal from dismissal.
Department of Corrections. (Oral argument held September 8, 1999.)

NO ACTION

7. ALBERT ESCAMILLA, CASE NO. 98-4378. Appeal from dismissal.
Department of Corrections. (Oral argument held October 5, 1999.)

NO ACTION

8. IGNACIO SALAZAR, CASE NO. 98-1560. Appeal from dismissal. Department of Corrections. (Oral argument held October 5, 1999.)

NO ACTION

9. THERESA LUCARELLI, CASE NO. 98-5149. Appeal from 60 calendar days suspension. Department of Corrections. (Written argument submitted October 5, 1999.)

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on October 19, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board